

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

**EXCALIBUR RENTALS, INC AS
SUCCESSOR BY MERGER TO
EXCALIBUR RENTALS, INC. AND
ELITE TOILET RENTALS, INC.**

V.

**ST. PAUL FIRE AND MARINE
INSURANCE COMPANY**

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CIVIL ACTION NO. 6:20-CV-00017

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, St. Paul Fire and Marine Insurance Company, the defendant in the above entitled and numbered cause, and timely files this its notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.
STATE COURT ACTION**

This case was initially filed in the 135th Judicial District Court of Victoria County, Texas. The state court action is styled Excalibur Rentals, Inc. as Successor by Merger to Excalibur Rentals, Inc. and Elite Toilet Rentals, Inc. vs. St. Paul Fire and Marine Insurance Company, Cause No. 20-02-85498-B, filed in the 135th Judicial District Court of Victoria County, Texas.

**II.
PARTIES**

The plaintiffs, Excalibur Rentals, Inc. as Successor by Merger to Excalibur Rentals, Inc. and Elite Toilet Rentals, Inc., are, upon information and belief, entities or

assumed names, affiliates, or subsidiaries of entities organized under the laws of the State of Texas and having their principal places of business in Victoria County, Texas

The defendant, St. Paul Fire and Marine Insurance Company ("St. Paul"), is a corporation organized under the laws of the State of Connecticut with its principal place of business in the State of Connecticut.

III. JURISDICTION

This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

IV. TIMELINESS

St. Paul was served with process and the plaintiffs' original petition on February 25, 2020. Thirty days have not elapsed since St. Paul was served with process. Accordingly, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

V. ATTACHMENTS

Pursuant to 28 U.S.C. § 1446(a), Local Rule 3, and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;
- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies of all pleadings asserting causes of action and all answers to such pleadings;

- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: A copy of the state court docket sheet;
- f. Exhibit F: An index of matters being filed; and
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

**VI.
CONDITIONS PRECEDENT**

The defendant has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Victoria Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 135th Judicial District Court of Victoria County, Texas, and all counsel of record are being provided with complete copies.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that the above action, Cause No. 20-02-85498-B, styled Excalibur Rentals, Inc. as Successor by Merger to Excalibur Rentals, Inc. and Elite toilet Rentals, Inc. vs. St. Paul Fire and Marine Insurance Company, filed in the 135th Judicial District Court of Victoria County, Texas, be removed to this Court.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

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/s/ Greg C. Wilkins
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ATTORNEYS FOR DEFENDANT,
ST. PAUL FIRE AND MARINE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of March, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to all known counsel of record by Certified Mail, Return Receipt Requested.

/s/ Greg C. Wilkins
Greg C. Wilkins